UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/124
21 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 20 March 1997 from the Permanent Mission of the Union of Myanmar addressed to the secretariat of the fifty-third session of the Commission on Human Rights

The Permanent Mission of the Union of Myanmar to the United Nations and other International Organizations in Geneva presents its compliments to the secretariat of the fifty-third session of the Commission on Human Rights and has the honour to enclose herewith a document* explaining the situation of human rights in Myanmar.

The Permanent Mission would be grateful if the aforementioned document could be circulated as an official document of the fifty-third session of the Commission on Human Rights under agenda item 10.

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* The annex is reproduced as received in the language of submission only.

Annex

Situation of Human Rights in the Union of Myanmar

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A. NATIONAL RECONSOLIDATION

From the time that Myanmar regained its national independence, national construction efforts exerted by successive governments were never realized to the full extent primarily due to disunity among the national races. The present Government and the people of Myanmar firmly believe that unity among all the citizens is crucial for the maintenance of independence and preservation of sovereignty, as well as for the development of the whole nation.

That national reconsolidation is one of top priorities in the four main political objectives of the State is a measure of the importance accorded to it by the Government. These political objectives have been mentioned in the Introduction.

Soon after its assumption of the duties of the State, with a view to achieving national reconsolidation, the Government invited armed groups who had been fighting against successive governments to return to the legal fold to enable them to participate in regional and national development efforts.

The confidence and trust of these armed groups in the Government has been demonstrated by the returning to the legal fold of 15 of the 16 armed groups. Not only are the members of these armed groups now taking part in the regional development projects together with the people and the Government, most of their representatives are also expressing their views and aspirations at the National Convention.

For the first time since Myanmar regained her independence in 1948, and after decades of conflict and turmoil, these regions are finally experiencing the peace and tranquillity that is theirs by right. The local populace is also enjoying the rights and privileges as other citizens of the Union, which were once denied to them by the pressure of the armed groups. They are now enjoying the taste of development.

The Government continues to extend an invitation to the remaining armed group to return to the legal fold and participate in the building of a new democratic nation.

The Kayin People and the Karen National Union (KNU)

The Union of Myanmar is a nation of 135 national races. The Kayins, numbering about 2.7 million (or 6% of a total population of 45 million), are one of the major national races living mainly in the Kayin State, a constitutional state of the Union and in the Ayeyarwaddy Delta area and the Lower Sittaung Valley. The Kayins are law abiding and peace-loving nationals living in harmony with other national racial groups.

The Karen National Union (KNU) was formed in 1947, a year before Myanmar regained her independence, as a political organization to promote the interests of the Kayin people, and with the aim of securing more autonomy from the Central Government.

The Kayin Regiment of the Myanmar Army, Kayin Military Police Units and armed units of the KNDO (Karen National Defence Organization) fell under the organizational enticement of the KNU. Within the KNU, there were those who toed the Marxist-Leninist line, allying themselves with the Burma Communist Party, and those who were western-oriented and western-influenced. Soon after Myanmar regained her independence in 1948, the KNU and some of the Kayin Units of the Myanmar Army went underground in insurrection against the Government. Since then the KNU has been bearing arms against successive governments. It has undergone many changes in both its leadership and its political persuasion.

Although the KNU was quite strong militarily during the earlier years, the Tatmadaw was able to prevail against them and their strength diminished considerably as years passed. With losses in territory, they had to move their bases to areas near the Myanmar-Thai border. In recent years, the activities of the KNU degenerated into outright terrorism, ravaging the remote countryside and engaging in illegal transfrontier smuggling and collecting tolls on smugglers dealing in timber, minerals and contraband goods. It is open to question how much of their political idealism actually remains and whether much of it is blinded by the quest for power of those in the leadership. Due to the military actions of the Myanmar Armed Forces in the 80's, the KNU moved their families, relatives and sympathisers into Thailand and formed their so-called "refugee camps", in order to elicit sympathy and support of the international community. They have been using these so-called "refugee camps" as their base camps from which they have continued to launch their atrocities against the Government and local populace.

Recent media reports by international correspondents confirm that the camps have been used as a safe haven by the KNU who store their weapons there. The Thai authorities have also been quoted as saying that the KNU go out of the so-called "refugee camps" and cross the common borders at night to fight in Myanmar and return across the border again at dawn, pretending to be refugees. The Thai army has also been reported to have uncovered large amounts of arms and ammunition hidden in Thai territory by the KNU.

In April 1992, the Myanmar Armed Forces decided to unilaterally suspend all military offensives in Kayin State, hoping to expedite attainment of amity among all national races and thus, strengthen national solidarity.

Despite the invitation of the Myanmar Government to the armed groups to return to the legal fold and unilateral suspension of military operations, the KNU, led by Bo Mya, did not demonstrate any intention to take advantage of this peace offer.

During the time of repeated peace overtures by the Government, the KNU organized other illegal armed groups based in their area of operation into the so-called "National Council of the Union of Burma"(NCUB). Bo Mya also became the head of the NCUB, which laid down a strategy whereby they sought to discredit the Government of Myanmar abroad.

The following statistics reveal the extent of KNU attacks on civilians and the military following the unilateral suspension of operations by the Myanmar Armed Forces:-

- On 27 June 1992, the KNU attacked the Htimukhee Tatmadaw Post on the Eastern Yoma in Kyaukki Township on the east bank of the Sittaung river resulting in the deaths of two officers and 23 other ranks, with several more wounded.
- On 1 September 1992, the KNU attacked Hweponlang Post on the border resulting in the deaths of 44 Tatmadaw personnel, including three officers.
- From 28 April to the end of December 1994, the KNU attacked Tatmadaw columns 98 times resulting in fierce battles in Bilin, Thaton, Pa-an, Hlaingbwe, Kawkareik, Myawaddy, Kyaikmaraw, Mudon, Thanbyuzayat, Yay, Dawai, Palaw, Tanintharyi, and Bokpyin townships resulting in much destruction and loss of life.
- Tatmadaw forward posts and police stations were attacked 22 times while Tatmadaw headquarter stations were fired on 13 times. The distillery at Bilin town was shelled three times, Myawaddy attacked twice, while Thaton, Myeik, Yay, Kamamaung village, Tanintharyi town, Papun airfield, and Shwe Hinthar jetty at Kawthaung were each attacked once, resulting in considerable civilian casualties.
- Passenger and goods trains in Thanbyuzayat township were mined seven times, river-craft fired on twice, passenger buses attacked six times and nine bridges blown up.
- The Yangon-Mandalay train was mined by the KNU in 1996 killing several passengers.
- A bomb was detonated by the KNU at the shrine of the Buddha's sacred tooth relic on Christmas Day last year where four people were killed and eighteen were seriously injured.

This deliberate and consistent pattern of terrorism demonstrates how both civilian and military objectives are targeted by the KNU. Numerous civilians and military personnel lost their lives at the hands of the KNU. More than a few innocent villagers have had their arms and legs amputated as a result of indiscriminate mine-laying by the KNU.

What is note-worthy is that these random and widespread acts of destruction were carried out not before, but after the Government's announcement of a unilateral cessation of military operations, and repeated invitations on the part of the Government to the armed groups to come over to the legal fold and participate in the process of peace, development and national reconsolidation.

As their second strategy, the NCUB formed a defiance committee to instigate the people of Myanmar and create unrest. They contacted other underground elements within the country to distribute seditious materials and carry out bomb attacks in towns and villages.

Meanwhile, for nearly three years, the rank and file of the KNU yearned for peace. General dissatisfaction spread as no genuine peace materialised. Bo Mya placated his junior officers and other subordinates by explaining that he would strive for peace. His desire for peace was however portrayed in grandiose and unrealistic terms that were not in conformity with the aspirations of the Kayin (Karen) nationals. Rather than following a path that would lead to enduring peace, he used the pretext of peace as a platform to further his personal ambitions.

Junior members had become dissatisfied with the leadership because they felt that the life led by KNU leaders was one of self-indulgence; that there was religious discrimination and lack of religious freedom, that there was unfairness in granting promotions, and that the leaders were in fact unwilling to work for genuine peace.

There were approximately 80% of the KNU who were Buddhist and they revered the venerated monk, Myaing-gyi-ngu Sayadaw U Thuzana. On 29 November 1994, when Bo Mya expelled 40 Buddhist monks, including the Myaing-gyi-ngu Sayadaw from the area where they were residing, the general dissatisfaction with the existing state of affairs led to an armed revolt against Bo Mya, which was joined by villagers from the region.

The numbers who revolted swelled from 400 to over 3000 and this group formed the Democratic Kayin Buddhist Organization (DKBO). The DKBO issued a declaration on 1 December 1994 in which they stated that their aims were:-

- to build peaceful and prosperous life for all national groups residing in Kayin State
- to give priority to progress and advancement
- to strive for economic development
- to promote and preserve the traditions, culture and religion of the nationals.

Responsibilities, Election, Political Parties, Emergency Provisions, Constitutional Amendments, State Flag, State Emblem, National Anthem and Capital, Transitory Provisions, and General Provisions.

Necessary documents pertaining to each of the Chapter Headings are always made available to delegates at the appropriate time. For example, when "Citizens and Their Fundamental Rights and Responsibilities" are discussed, all relevant domestic and international laws, norms and standards, including the Charter of the United Nations and Universal Declaration of Human Rights, will be taken into consideration.

Actions of the delegates of the National League for Democracy Party (NLD) at the Previous Session of the National Convention

Prior to the convening of the National Convention, and during the course of discussions at the coordination meetings held from 23 June to 10 July 1992 for the Convening of the National Convention, the leader of the representatives from the NLD spoke at length, expressing support for inviting delegates belonging to the eight categories. From the beginning of the National Convention, the delegates from the NLD had been working in unity with the other delegates. They participated in the deliberations of the Convention, expressed their views freely, and put up numerous proposal papers.

Among the proposal papers put up by the NLD, there were those that showed support for the fundamental principles, while some suggested additions to other proposals. In cases where proposals could not be agreed upon, it was mentioned as such and duly recorded.

As in the previous meetings of the National Convention, 86 delegates from the NLD, attended the Plenary Session held on 28 November 1995, together with other delegates. On the previous day, the NLD had sent a letter containing criticism regarding the National Convention, to the Chairman of the National Convention Convening Work Committee.

On 28 November 1995, in another letter to the Chairman of the National Convention Convening Commission, the NLD intimated that its delegates would no longer continue to attend the National Convention. The main reason given was that the matter of dialogue wanted by them was not included in the opening address of the Chairman of the National Convention Convening Commission.

Thereafter, the 86 NLD delegation without obtaining prior permission from the Panel of Chairmen, as required by the Convention procedures, did not attend the meetings of the Plenary Session on 29 and 30 November 1995. Consequently, upon presentation by the Panel of Chairmen and as provided for in paragraphs 48 and 49 of the National Convention Procedures, the Work Committee revoked the privilege of the 86 delegates who went absent without leave, of being National Convention delegates.

The actions of the NLD can only be interpreted as those that aimed to:-

- Cancel the basic principles laid down by the National Convention because these are not in conformity with the opinion of the NLD;
- Reorganize the National Convention with delegates of their own choosing in order to lay down basic principles to meet with the policies of the NLD;
- Lay down new methods and procedures to be followed according to the wishes of the NLD;
- Move towards dialogue so as to be able to carry out the motives mentioned above;

The moves made by the NLD were aimed at disrupting the National Convention in order to replace it with another convention where the NLD would be able to dominate and give priority to the promotion of their party interests instead of considering the interest of the whole nation.

The successful completion of the National Convention is regarded as a national priority. The National Convention is an essential prerequisite for the building of a democratic society in Myanmar. It is being convened so that representatives from all strata of society can express their views and aspirations while obtaining, by consensus, fundamental principles that will serve as the basis for drawing up a new and enduring democratic State Constitution. It is a political platform open to representatives of all the people of Myanmar.

The matter of a single political party desiring to hold dialogue with the Government is not the concern of the National Convention. It does not come within the purview of the task concerning the convening of the National Convention.

The National Convention Convening Commission is of the view that just because one group rejects the programmes for building a peaceful and prosperous state and establishing a genuine multi-party democratic system, there is no reason for it to abandon its national duties.

The National Convention will continue its work with the participation of the overwhelming majority of delegates, including delegates from the various national races, who honestly and sincerely have the interests of the people and the State at heart.

C. THE ROLE OF THE TATMADAW

One of the objectives laid down to serve as a guide during the deliberations at the National Convention is for the Tatmadaw (Myanmar Armed Forces) to be able to participate in the national political leadership role of the future state.

This role envisaged for the Tatmadaw is a role in keeping with Myanmar's historical traditions. As stated by the Foreign Minister of the Union of Myanmar in his statement to the General Assembly at its 48th Session, "The history of Myanmar is synonymous with the history of the Tatmadaw. Since the time of our struggle for national independence it has

"Myanmar's rebel Karen National Union (KNU) leader Bo Mya is using Karen refugees as a human shield to buy time to try to avert a looming split within his ranks. The KNU may be near the brink of collapse because of serious policy differences between the hardline General Bo Mya and moderate Vice-President Swe Saing ...

... a more moderate and a powerful faction led by KNU Vice-President, General Swe Saing want so soften the group's stance and start some negotiations for peace...

The KNU is about to collapse because of the internal conflict. That is why a certain group who are very selfish have decided to use the civilians as a shield for survival ....

70% of KNU guerillas who used to be under Bo Mya were either living in Thai border towns or among the refugees in the camps....

.... the only place to live and survive in are refugee camps in Thailand....

DKBA, which caused the KNU split in 1995, has accused KNU guerillas of hiding in refugee camps and sneaking out to launch surprise attacks on them inside Myanmar soil..."

Rapidly unfolding events in this conflict reveal that, on 11 February 1997 over five hundred officers and other ranks of the KNU led by U Saw Tha Mu He, Commanding Officer of the No.16 battalion of the KNU have followed the policy of "trading arms for peace" of their own accord and have brought in 234 assorted arms (including 25 heavy weapons), 77411 rounds of ammunition, 441 assorted magazines, and 155 mines. More members of the KNU who want to give up the armed struggle continue to follow suit. Returnees have been warmly welcomed and given basic necessities as those that returned earlier.

Vice-Chairman of the State Law and Order Restoration Council, Deputy Commander-in-Chief of the Defence Services and Chief of Staff of the Army, General Maung Aye and Senior Armed Forces Officers were present at the ceremony to mark the exchange of arms for peace. The General said the Government always welcomes the KNU even though the KNU may neglect peace and that the Tatmadaw and the entire people welcomed U Saw Tha Mu He and members of his group and their efforts towards peace. U Saw Tha Mu He said they came in to participate in the regional peace and tranquillity and to work with the Tatmadaw and the people. He said although they had fought for many years, they had never achieved success and that fighting would not serve the country in any way. It was for these reasons that they decided to give up the life of armed struggle and to participate in the regional development after realizing the genuine goodwill of the Government and its sincere endeavours.

The Myanmar Government stands ready to receive back all Myanmar nationals who have been residing in the so-called "refugee camps."

Now that there are prospects for peace in the Kayin State, development plans for the area can be initiated. Once lasting peace has been established, these plans can be put into operation and the Kayin State can look forward to being part of the development activities that are flourishing countrywide.

B. ECONOMIC DEVELOPMENT

The Government of the Union of Myanmar holds the view that the most essential and fundamental right of the people is the right to have adequate food, clothing and shelter needs met, and that it is of utmost importance to raise the standard of living of the people.

In late 1988, the Government embarked on a programme of major restructuring of the economy, which can be summarized as follows:-

(a) Transformation of a centrally planned economic system into a market oriented one in which the private sector has been given the rights to participate extensively, in every sphere of economic activity.

(b) The creation of an economic policy environment conducive to the development of a market economic system.

The main objective of this new liberalized economic policy, based on a market oriented system and related programmes, is to accelerate economic and social development of the people.

In moving towards a market economy, Myanmar has been liberalizing domestic and external trade policies, as well as effecting corresponding institutional changes in the role of the private sector, pricing systems, public enterprise management, and labour markets. An attractive incentive system for foreign investment was also introduced. The private sector was encouraged and the Chamber of Commerce and Industries reactivated to promote trade and industry. The Government additionally instituted wide-ranging tax reforms and new financial management systems to stimulate private sector development. Several sectorial objectives were established to expand the productive bases of the economy.

The agriculture sector, being the mainstay of the country's economy with about 38% of the total GDP and about 40% of foreign exchange earnings, is accorded top priority. Increasing productivity, diversification of cropping patterns, introducing new industrial crops and revitalising agricultural export are the key objectives of this sector. In moving away from planned agriculture, farmers now largely cultivate crops of their choice, and are able to process, transport and trade their produce freely.

Other objectives include the development of sectors such as forestry, livestock and fisheries, processing and manufacturing, mining and energy.

As external trade is recognized as a key factor for the development of the country, the private sector has been encouraged to expand its activities in this area. The Trade Policy of Myanmar is an independent one, in line with the independent and active foreign policy of the country. Myanmar was a founder member of GATT now the WTO. Hence its external trade agreements are governed by the GATT/WTO trading principles.

An efficient infrastructure is crucial to the economic growth of the country and the Government has given high priority to its development. As part of plans to create more job opportunities for the people, tenders for the construction of two major highways as well as for the excavation work involved in the laying down of new railroad tracks, tasks previously solely undertaken by the Government, were invited from local entrepreneurs, and work has been assigned to them.

During the first two years of the transition period from a centralized economy to a market-oriented one, the economy was managed by formulating and implementing annual plans starting from 1989-90 until 1991-92, based on a review of prevailing conditions. The main objectives of the annual plans were to achieve stable economic recovery in the short run, while laying down firm foundations for future sustained growth.

The Short Term Four Year Plan that followed with special fqcus on the enhancement of production, especially agriculture, came to a successful end last year. An average annual growth rate of 8.2% against the projected one of 5.1% for the whole planned period was achieved. As for foreign trade, the performance during the Four Year Plan came to a very encouraging average annual growth rate of 13.6% in export and 11.6% in import.

The private sector, encouraged and supported by the Government, has played a vital role in the areas of trade and involvement which has facilitated the expansion of economic activities leading to the achievement of sustainable economic growth. Before opening up the country's economy to the market forces, GDP in private sector was "NIL". Today, the contribution of the private sector in GDP is 76.4% and 50.2% in the export field.

Because of high economic growth, peace and tranquillity and investment opportunities, many foreign firms are coming in with capital investment and technology. Up to the end of January 1997-237 foreign-direct investment projects have been approved by the Foreign Investment Commission to invest in Myanmar. These enterprises are operating in the manufacturing, hotel and tourism, mining, oil and gas, fisheries, real estate, transport, agriculture and industrial estate. Total

foreign capital participation is estimated to be US$ 5.36 billion. Major foreign investors are from Singapore, U.K., France, USA, Thailand and Malaysia.

Privatisation of state-owned factories constitutes one of the Government's efforts to create a solid, steady and substantial economic growth. Significant progress has been made with 51 state-owned factories already privatised.

The Government has also taken monetary and financial reform measures to be in conformity with the present economic system. These measures include the enactment of new laws, repealing and substitution of redundant laws and making amendments to the existing rules and regulations. As a result of the Financial Institution Laws, 17 private domestic banks have emerged while 39 foreign banks have opened representative offices in Yangon. Ministries concerned are now working for the formation of a capital market with the aim of providing more business opportunities to the private sector.

According to the World Travel and Tourism Summit held in Vilamoura, Portugal in January this year, "The (Tourism) sector creates an unparalleled number of entry-level jobs for the young and women at work in high unemployment areas such as city centres and rural communities." In an eight-point proposal, called the Vilamoura Declaration, executive business leaders called on governments to make travel and tourism a strategic priority for economic development and employment.

In Myanmar also, the tourism industry is one of the sectors where employment opportunities for a large number of people exist. Myanmar tourism is culture based. The Government is encouraging the private sector to take part in the development of tourism in the country. Support is provided to the entrepreneurs to the fullest extent possible. Encouraged by economic reform and investment opportunities, private sector and foreign investment have poured in the hotel services sector from only eight State-owned hotels in 1988, Myanmar has now almost 250 quality hotels, many acknowledged as world class. Last year's launching of the "Visit Myanmar Year 1996" was a main event in the promotion of tourism. This scheme continues into this year, and is meeting with great success. Tourist arrivals in Myanmar is projected to reach about 250,000 to 300,000 in 1996-97.

Myanmar is at present embarked on a Five-Year Short Term Plan (1996-97 to 2000-2001) with the following objectives:-

1) To strive for realization of the four economic objectives;

2) To strive for sustained and stable growth in the economy;

3) To strive for the provision of basic infrastructural facilities, both social and economic;

4) To ensure harmonious intersectoral consistency among the productive sectors and between production, services and trade, of the economy.

An average annual growth rate of 6.0% is projected for the Five-Year Short Term Plan.

C. SOCIAL DEVELOPMENT

Myanmar is a proud nation with a long illustrious history. The Myanmar people are patriotic and they take pride in their rich cultural heritage. The Government and the people believe that uplifting of the moral and morality of the entire nation, national prestige and integrity, the preservation and safeguarding of the cultural heritage and national character, and the upgrading of the standards of health, fitness and education are of paramount importance for the perpetuation of the nation.

Thus, the Government has laid down its social objectives and the Ministries of Social Welfare, Relief and Resettlement, Culture, Education, Health, Sports, and Information are working towards the successful realisation of these objectives in collaboration with other Ministries, NGO's, both national and international, and relevant UN agencies.

Social Welfare

The Department of Social Welfare undertakes the tasks of caring for children, youths, women, disabled persons, the aged as well as the rehabilitation of drug addicts. Special nurseries for new-born babies, pre-primary schools, day care centres, children development centres, voluntary pre-primary schools operate under the Department of Social Welfare. Volunteer teachers for the Children Development Centres are also being trained under the Children's All Round Development Project, jointly sponsored by this Department and the UNICEF.

A total of 205 Youth Centres have been opened in various States and Divisions, while 115 voluntary primary schools operated by volunteer teachers are giving basic education to over 18,000 students who are not able to attend regular schools due to various reasons. For those youths who are needed to be rehabilitated, the Government has opened nine youth training schools.

The Government of Myanmar acceded to the Convention on the Rights of the Child in 1991 and in order to effectively implement the Convention, the Child Law was promulgated in 1993. Subsequently, the National Committee of the Rights of the Child was formed in accordance with the Law. The National Committee and the Committees at the various levels under it are working to enable the children of Myanmar to enjoy their rights fully.

In order to prevent women from vagrancy as well as to reduce the occurrence of undesirable problems, domestic science training courses are being conducted at training schools of States and Divisions as well as those of the Social

Welfare Department. Two Women's Centres have opened for looking after women of 18 years and above, who are destitute for various reasons, and for providing vocational training to them. Vocational training schools for women are teaching women who were once involved in prostitution to produce commodities in order to earn their livelihood. AFXB, a foreign NGO has now embarked on a successful programme of social and professional rehabilitation for former prostitutes.

With regard to caring for the disabled, the Government has opened schools for disabled children as well as those for the blind, deaf and dumb, to provide vocational training. Producers cooperative societies have also been formed to generate income for the disabled. Sewing, tailoring, book binding and newspaper distribution are among the works undertaken by these societies.

State and private volunteers have established a total of 24 homes for the aged throughout the country. The Social Welfare Department contributes annual cash and other necessary assistance to these homes while foreign and local well-wishers also donate cash.

Former drug addicts are systematically rehabilitated at the training camps established particularly for this purpose, where they are trained in vocations such as agriculture and livestock breeding, lace work, printing work, photography, leather stitching, and cycle repair. Advice given by foreign experts to improve the methods of training has been taken and the camps are producing better qualified technicians.

Culture

In order to keep up Myanmar culture and traditions, and above all to instil the spirit of patriotism in the people, traditional boat races, traditional equestrian competitions, traditional bullock cart races, and competitions for the performing arts are conducted annually. Literary prizes also given regularly to writers, poets and journalists.

The University of Culture was opened in Yangon in 1993 with the objectives of strengthening patriotic spirit, consolidating national unity, and revitalising and upholding Myanma cultural traditions.

Education

Myanmar is committed to provide her children with the right to education. Efforts in the education sector also constitute part of the drive to meet the realisation of social objectives. The nurturing of children to become qualified citizens and the strengthening of their moral bases is taken by the education sector as its national duty. The Government has been able to enhance the standard of education for Basic Education by opening up more schools, providing furniture and

equipment such as computers. Under the present Government, the number of schools increased by 5002 from 33,847 in 1988-89 to 38,849 in 1995-96. Of the 5002 new schools, 10 high schools, 30 middle schools and 249 primary schools are in the border areas. The number of teachers increased by 63,460 from 177,003 in 1988-89 to 24,463 in 1995-96. Expenditure in education quadrupled from Kyat 1,005 million in 1988-89 to Kyat 4,500 million in 1995-96. 3,500 computers have been installed in schools.

New institutions of higher learning have also been established, among which are the University of Dagon, University of Culture, Monywa Institute of Economics, Mandalay Institute of Technology, Defence Services Institute of Technology, Defence Services Institute of Medicine, Institute of Paramedical Sciences and Institute of Pharmacy. Four-degree-colleges and the Academy for Development of National Groups have been upgraded to University level. A new college has been opened in Kalay, Chin State and preparations are being made to open similar colleges in Kengtung, Shan State and Loikaw, Kayah State.

Education is free up to middle school. A nominal fee is charged at the university level where the government subsidies a large part of expenses. Textbooks are issued cheaply to students while parent-teacher associations help in procuring textbooks for needy students.

In order to help able students pursue higher education without difficulty, university scholarships are awarded to those who win honours in their matriculation. Stipends are also awarded to poor students. Local and foreign entrepreneurs and organizations have also set up trust funds for education.

Health

The Ministry of Health, with the co-operation and participation of the people, is endeavouring for the development of public health services, and health care has been extended for the public more now while public health standards have improved.

The National Health Policy was developed under the guidance of the National Health Committee in 1995. The policy has placed the "Health For All" goals as prime objectives, using primary health care approaches. Subsequently, the National Health Plans have been systematically formulated with the aim of enhancing the quality of life of the whole population. A number of strategies and activities are directed specifically at vulnerable groups such as children and expectant mothers, the underserved such as the population in the hilly regions and border areas, and the underprivileged who are prone to disease and infirmity, due to various reasons. The most important feature of the National Health Plan is the emphasis in

community involvement. In the past, it was accepted that health care provision was the sole responsibility of the Government. With the philosophical changes in the economic policy, alternative health care financing schemes are now given serious consideration. Active participation of the community and the private sector are being stressed.

Within the National Health Plan, elements such as Community Health Care, Disease Control, Hospital Care, Environmental Health, Health System Development and Organizational Management are being implemented.

Major achievement has been realised in the implementation of the Universal Child Immunisation Programme. Recent evaluation reports show a 85.5% coverage of fully immunised children throughout the country.

Medical Care Services are provided by various categories of health institutions ranging from Teaching Hospitals, Specialist Hospitals, State/Division Hospitals, District Hospitals, and Township Hospitals. There are also Station Hospitals, Rural Health Centres and Sub-Centres in the rural areas. To-date, there is a total of 720 government Hospitals and 1455 Rural Health Centres throughout the country. Medical care services for the populations at risk, consisting of mothers and young children are augmented by 88 Primary and Secondary Health Centres, 85 Schools Health Teams and 295 Dispensaries. For those who wish to seek indigenous medical care, 3 Traditional Hospitals and 178 Traditional Medicine Clinics have been opened by the Ministry of Health. Up to 1995, 9 hospitals, 79 rural health clinics, 10 mother and child health clinics, 5 primary health centres and 5 school health teams have been established especially for the national races residing in the border areas.

Compared with the situation in 1988-89, the number of government hospitals has increased by 14.1% the number of doctors by 18.75%, the number of nurses by 32.9%, the number of health assistants by 9.5%, the number of midwives by 8.7% and the number of public health supervisors by 52.38% in 1994-95.

UN Agencies such as WHO, UNDP, UNICEF, UNFPA, UNDCP and UNHCR are mainly responsible for the provision of technical assistance to the departments concerned under the Ministry of Health. Together with a number of national non-governmental organizations, international non-governmental organizations such as World Vision International (WVI), Adventist Development and Relief Agency (ADRA), Artzen Zonder Grenzen (AZG), International Committee of the Red Cross (ICRC), ORBIS International, Surgical Eye Expedition (SEE), Christoffel Blindenmission, J.B. Memorial (USA), International Federation of Eye Bank (IFEB), Interplast, Medicin Du Monde, Association Medical Franco-Asiatique, Association François Xavier Bagnoud (AFXB), Japanese AIDS Foundation, World AIDS Foundation, the Leprosy Mission International, American Leprosy Mission, Nederlendse Faistitching Vom Leprorestriging, Family Planning International, Save the Children Fund and China Medical Board are involved in almost all of the areas of health care in Myanmar.

Protection for persons under detention

The following provisions are intended to protect a person under detention from torture and inhuman treatment.

- Section 330 of the Penal Code reads as follows:-

> Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to cause the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

- Similarly, Section 24 of the Evidence Act runs as follows:-

> A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise.

- Section 43 (f) of the Police Act states, inter alia, any police officer who shall offer any unwarrantable personal violence to any person in his custody shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding three months' pay, or with both.

- And also para.1380 of the Police Manual states:-

> Section 43 of the Police Act provide that any police officer who shall offer unwarrantable personal violence to any person in his custody shall be liable, on conviction before a magistrate to three months' imprisonment, or to a fine, or to both, or alternatively to prosecution under the Penal Code. Apart from his criminal liability, the maltreatment of defenseless prisoners is a dishonourable act which cannot in any way be extenuated and will ordinarily be punished with dismissal, whatever the rank or antecedents of the culprit. Police officers of all ranks will exert themselves to prevent the good name of the force being sullied by the taintest show of harshness or violence in the treatment of persons in custody.

Conduct of a fair trial

- Section 252 of the Code of Criminal Procedure provides:-

"When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution and the accused shall have the right to cross examine the complainant (if any) and the witness produced in support of the prosecution."

- Section 253 provides:-

"If, upon taking all the evidence referred to in Section 252, the Magistrate finds that no case against the accused has been made out which would warrant his conviction, he shall discharge the accused."

- Section 254 and 255 provide:-

"If, when such evidence has been taken, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence ... the Magistrate shall frame in writing a charge against the accused. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make. If the accused pleads guilty, the Magistrate shall record the plea and convict the accused thereon."

- If the accused refuses to plead guilty, the accused still has the right to request that the witnesses for the prosecution whose evidence has been taken, be recalled before the court, and be cross-examined and re-examined by him or his defence counsel under Section 256 and Section 342. After the accused and the witnesses named by the accused have been re-examined, if the Magistrate finds the accused not to be guilty, he will record an order of acquittal under Section 258 (1). If the Magistrate finds the accused guilty, he will convict and pass judgement on the accused.

Civil Courts

The Courts in Myanmar are constituted under the Judiciary Law of 1988, in the following order:-

a) The Supreme Court,

b) State or Divisional Court,

c) District Court,

d) Township Court.

An appeal or revision from any judgement or order of the Township Court lies to the State or Divisional Court, or the District Court; an appeal or revision from the judgement or order of the State or Divisional Court lies to the Supreme Court.

The Supreme Court is empowered not only to hear appeals and revision cases. It is also empowered to examine an order or decision that is not in accordance with law relating to the legal rights of the citizens. It is also empowered to hear and decide maritime cases. The judges are appointed by the Supreme Court. It has administrative control and general superintendence over all courts formed by it.

Administrative Court Procedure

There are administrative courts in Myanmar where rights of the workers are determined such as the Trade Disputes Act and the Workmen's Compensation Act.

members of the former armed group who have returned to the legal fold are now starting up business ventures, the proceeds of which will be used for the development of their region.

Development projects, such as building of roads, schools and health clinics are underway in the areas once controlled by the major drug trafficking group that has surrendered unconditionally to the Tatmadaw last year.

E. ENDEAVOURS IN COMBATING THE MENACE OF NARCOTIC DRUGS

The Government of Myanmar is fully committed to deploying sustained efforts against the scourge of narcotic drugs as a national responsibility. To implement its responsibility, the Government has laid down the following national strategy:-

- to designate drug eradication and prevention activities as a national duty and to perform this duty with increased momentum
- to eliminate poppy cultivation by enhancing the standard of living of the national races.

For the successful implementation of this strategy, drug control programmes involve a three-pronged attack, aiming at supply reduction, demand reduction, and law enforcement.

Myanmar believes that the most effective approach to the eradication of poppy cultivation in the remote border areas, introduced in colonial times, is the implementation of a comprehensive programme for the social and economic development of these regions and the national races who reside within the areas. The Ministry for the Progress of Border Areas and National Races and Development Affairs is implementing these tasks in making that belief into reality. The success of this method is testified by the fact that the Kachin nationals have designated their whole area as an "Opium Free Zone", and are involved wholeheartedly in the eradication of narcotic drugs. Similarly, the Wa and the Shan nationals have also designated parts of their respective regions as Opium Free Zones. At the same time, destruction of poppy plantations, are being conducted by the officials and local people whenever they are discovered. Recently, 399,138 acres of illicit poppy plantations in Pinlaung and Pekhon Townships, and 60 acres in Tachilek Township were destroyed.

Law Enforcement has also been effective. Large-scale destruction of seized narcotic drugs are held from time to time. The 11th destruction of seized narcotic drugs was held in Yangon on 30 January 1997, where 766,073 kilograms of narcotic drugs were destroyed. The total value of the narcotic drugs that have been destroyed up to this latest destruction amounts to over Kyat 3 billion which is equal to over US$ 52 million.

When eradication works such as destruction of poppy plantations and seized narcotic drugs are carried out, members of foreign missions in Myanmar are usually invited to witness the events. In December last year, members of the US House of Representatives led by Mr. J. Dennis Hastert who were on a visit to Myanmar, had the chance to observe eradication of narcotics and crop substitution projects being conducted in Kengtung area in the Shan States.

In the context of regional co-operation and beyond, Myanmar is also cooperating with all neighbouring countries of the sub-region in the field of drug abuse control. Agreements and treaties signed pertaining to this include the Myanmar-People's Republic of China-UNDCP Agreements on eradication of narcotic drugs signed in Yangon in 1992, a Memorandum of Understanding signed in New York in 1993 between Myanmar and the People's Republic of China, the Lao People's Democratic Republic and the UNDCP to which Cambodia and Vietnam also became signatories in 1995, and bilateral agreements to combat narcotic drugs signed with India, Bangladesh, and Vietnam.

The most recent development in this area is the signing of an agreement between Myanmar and the Russian Federation on 22 January 1997, in Yangon, to cooperate in eradication of narcotic drugs trafficking.

Myanmar is a party to the 1961 Single Convention on Narcotic Drugs and acceded to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances on 11 June 1990 and subsequently, the State Law and Order Restoration Council had passed a new Narcotic Law (Narcotic Drugs and Psychotropic Substances Law) to be consistent with the provisions contained in the 1988 Convention.

The Myanmar Armed Forces have routinely launched military operations against drug trafficking groups. During the more than 850 major and minor clashes that took place between the Myanmar Armed Forces and the drug traffickers, 759 of the traffickers were killed, 135 were captured, and 275 surrendered themselves and 787 assorted arms and ammunition were captured. In this process, the Armed Forces also suffered considerable casualties - 16 officers and 569 enlisted sacrificed their lives while 55 officers and 1771 enlisted men were wounded. The numbers bear witness to the selfless sacrifice and dedication of the members of the Tatmadaw in the service of humanity.

Starting from January of last year, members of the Mong Tai Army (MTA) continue to surrender unconditionally en-masse to the Tatmadaw. Up to February 1997, a total of 14,564 persons with 8,891 assortment of arms and ammunition have returned to the legal fold. Apart from recognizing the ill effects of narcotic drugs production and trafficking on mankind, members of the MTA also finally came to accept the genuine goodwill and attitude of the Government towards national races, and towards the programmes of development works being implemented throughout the country.

The impact of the unconditional surrender of such a major drug-related groups is considerable. The production of illegal drugs has dramatically declined in the region and the local populace is experiencing peace and tranquillity for the first time in many years.

While resources to combat drugs should be commensurate with the magnitude of the task, Myanmar's efforts have never been contingent upon the level of external assistance. The Government has always remained firm in its commitment and dedication to carry through the task of eliminating the national and international scourge of drugs despite its limited resources. And it is this commitment, that has carried, and will continue to carry the country and its peoples towards achieving its aims.

F. REPATRIATION AND RESETTLEMENT OF RETURNEES AND COOPERATION WITH THE UNHCR

The repatriation and resettlement of the returnees from Bangladesh started in 1992 after the bilateral agreement signed between the Governments of Myanmar and Bangladesh.

A year later, in 1993, a Memorandum of Understanding was signed between the Government of Myanmar and the UNHCR. The Government of Myanmar has extended full co-operation to the UNHCR and this co-operation, which enabled the establishment of an operational UNHCR presence in Rakhine State in April 1994, has produced positive results. The number of returnees to date has exceeded 224 000.

The UNHCR is operating in two phases, of which the movement phase is expected to be completed by the end of March 1997.

The Government is cooperating with the UNHCR and its implementing partners such as the Myanmar Red Cross Society (MRCS), Action Contre La Faim (ACF), United Nations Children's Fund (UNICEF), World Health Organisation (WHO), Bridge Asia Japan (BAJ), Myanmar Maternal and Child Welfare Association (MMCWA), Groupe de Recherche et d'Echanges Technologiques (GRET). World Food Programme (WFP), CARE, and United Nations Development Programme (UNDP) to reintegrate the returnees smoothly back into society, the second phase of the UNHCR operations. The two main areas to be focused on will be (1) assistance aimed at improving the local returnee communities in the fields of basic service, education and health care and (2) providing training and income-generating opportunities to the most vulnerable groups of the population and those landless families dependent on casual labour.

The World Food Programme (WFP) has also made considerable input in its food-for-work programme, providing numerous employment opportunities in the implementation of mainly small-scale road construction and pond-digging projects. For the past two years, WFP has implemented 318 such food-for-work projects, which generated some 330 964 workdays for at least 80% of the returnees. The amount of food used as payment for the labourers in these projects totaled 2390 metric tons of rice, 165 metric tons of pulses and 155 metric tons of vegetable oil.

In its Programme Briefing Paper of 1 January 1997, UNHCR certifies that its field staff and those of other Agencies working in assistance projects enjoy unhindered access throughout the project area.

With the high emphasis given to the development projects in the Rakhine State by the Government, helped by aid the international community has donated, there is no doubt that the quality of life of the returnees from Bangladesh, will be much improved in the near future.

G. RECENT BILATERAL ACTIVITIES TOWARDS REGIONAL STABILITY

The Minister for Foreign Affairs of the Union of Myanmar attended the 28th ASEAN Ministerial meeting held in Jakarta, Indonesia from 20 to 23 July 1996, where Myanmar was granted observer status by ASEAN. Since it was only six months ago that Myanmar signed the Treaty on the Southeast Asian Nuclear Weapon Free Zone and barely a year ago when it acceded to the Treaty of Amity and Cooperation in Southeast Asia it can be said that it has achieved considerable success towards full integration with ASEAN.

At the invitation of His Excellency Mr. Suharto, President of the Republic of Indonesia a Myanmar Delegation led by the Chairman of the State Law and Order Restoration Council and Prime Minister of the Union of Myanmar, Senior General Than Shwe attended the informal Meeting of the ASEAN Heads of Government held in Indonesia last year, where the Heads of Government of Cambodia and Laos were also present. During this meeting, all the members of ASEAN agreed to integrate Myanmar as a full member of ASEAN at the same time with the other two observer nations, namely, Laos and Cambodia.

Senior General Than Shwe met with Mr. Goh Chok Tong, Prime Minister of Singapore during the stopover in Singapore. He later also met separately with the Prime Ministers of Laos, Vietnam, Malaysia, and the President of the Philippines and called on the President of Indonesia in Jakarta during his visit. Matters of the region as well as matters of mutual interests were discussed during the meetings.

The Chairman of the State Law and Order Restoration Council also conducted State visits to the People's Republic of China, Malaysia, and Cambodia in 1996. The second Prime Minister of Cambodia, Mr. Hun Sen, as well ad President Suharto of Indonesia visited Myanmar during January and February of this year respectively at the invitation of Senior General Than Shwe. These bilateral visits bear testimony to the fact that there exist deep trust and understanding between the leaders of the region. Such close and cordial relations between all the countries of the region can be seen as the main contributing factor for regional peace and security.

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